

August 12, 2022

Filed via CM/ECF

The Honorable Joan M. Azrack
United States District Judge
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: *Carvant Financial LLC v. Carvana, LLC* (No. 2:21-cv-05136-JMA-LGD)

Dear Judge Azrack:

Plaintiff Carvant Financial LLC (“Carvant”) and Defendant Carvana, LLC (“Carvana”) jointly file this letter to seek guidance from the Court on the issue of holding a discovery planning conference and commencing discovery under Rule 26(f) of the Federal Rules of Civil Procedure. Carvant believes that the parties should conduct a Rule 26(f) conference and commence discovery while Carvana’s proposed partial motion to dismiss remains under consideration by the Court. Carvana believes case management planning under Rule 26(f) and commencement of discovery should await the potential dismissal of two of the four claims in the Complaint, as well as Carvana’s responsive pleading and intended counterclaims.

To avoid motions practice, the parties jointly request that the Court hold a status conference to consider the parties’ positions and determine whether case management planning and discovery should commence, or alternatively, direct the parties to file motions to compel or stay discovery. Because this issue relates to the overall management of this case, the parties direct this letter to Your Honor. However, if this issue is more appropriately considered by a magistrate judge, the parties request that this letter be referred to the Honorable Lee G. Dunst for resolution.

Sincerely,

/s/ Lucy Jewett Wheatley

Lucy Jewett Wheatley
McGuireWoods LLP
800 E. Canal Street
Richmond, VA 23219
Phone: 804-775-4320
Fax: 804-698-2017
lwheatley@mcguirewoods.com
Attorneys for Plaintiff

/s/ Michael P. Robotti (with permission)

Michael P. Robotti
Ballard Spahr LLP
1675 Broadway
New York, NY 10019
Phone: (646) 346-8020
Fax: (212) 223-1942
robottim@ballardspahr.com
Attorneys for Defendants

cc: All Counsel of Record